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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,697	07/07/2003	Thomas C. Adams	SC 016 CIP 14 DIV	7448

7590

06/03/2005

Guy McClung
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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,697	ADAMS ET AL.	
	Examiner	Art Unit	
	Joseph C Rodriguez	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18 and 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 0703 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/15/03; 12/29/03</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

Claim Objections

Claim 2 is objected to because of the following informalities: "whererin" should read "wherein".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Here, the language of claim 14 conflicts with the specification, thus it is unclear what Applicant is claiming. That is, Applicant describes several methods of attaching in the specification, wherein sewing and attaching with staples are taught as *separate* methods (see e.g., Spec., p. 36). In claim 14, however, Applicant claims that staples are a type of sewing material. This conflicts with Applicant's own specification as well as the common interpretation of sewing material. Examiner requests clarification on this issue and, in the interim, has interpreted staples as meaning stitches.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 8-11, 14-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojciechowski (US 5,636,749) in view of Volpert et al. ("Volpert")(US 3,374,888).

Wojciechowski (Fig. 1-3, col. 2, ln. 48-col. 3, ln. 58) teaches all that is claimed except for expressly teaching connecting the screens by sewing material. Volpert, however, teaches that it is well known in the vibrating screen arts to attach multiple screen layers by stitching (i.e., sewing) them together (col. 1, ln. 53-62). Moreover, sewing prevents the well-known problem of screen wear (Id.) and can be regarded as a functional equivalent to other vibrating screen connecting means. See MPEP 2144.06. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Wojciechowski with the sewing means as taught above to prevent unnecessary screen rubbing.

Claims 2, 6, 7, 12, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojciechowski in view of Volpert as applied to claims 1, 3-5, 8-11, 14-16 and 19 above, and further in view of Rosenblum (US 4,28,230).

Wojciechowski and Volpert as set forth above teach all that is claimed except for expressly teaching the sewing material comprising a pattern of spaced apart stitches over substantially all surface area of the screening members including in areas of increased wear of the screen assembly, wherein at least one member is a perforated plate and the sewing material connects said plate as well. Here, it is noted that Volpert already teaches using stitches at several locations (col. 1, ln. 53-62). Further, Rosenblum teaches that a sewing connection can be used in place of other well known fastening means, such as spot welds, in vibratory separators (col. 5, ln. 6-15). Thus, since welding and fastening can be found, and is needed, over substantially all surface areas, including the perforated plate base, these prior art references render the use of sewing in these areas as obvious as well. Here, it is also implicit that the use of sewing in high-wear areas would be known to a person having ordinary skill in the art as these areas would require a spot weld or other securing means. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Wojciechowski and Volpert as taught above as connection by sewing material is a well known art recognized equivalent for connecting means in the vibratory screening arts. See MPEP 2144.06.

Allowable Subject Matter

Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Joseph C Rodriguez** whose telephone number is **571-272-6942** (M-F, 9 am – 6 pm, EST).

The **Official** fax phone number for the organization where this application or proceeding is assigned is **703-872-9326** (After-Final **703-972-9327**).

The examiner's **UNOFFICIAL Personal fax number** is **571-273-6942**.

Further, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only.

For more information about the PAIR system, see

<http://pair-direct.uspto.gov>

Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at **866-217-9197** (Toll Free).

Alternatively, inquiries of a general nature or relating to the status of this application or proceeding can also be directed to the **Receptionist** whose telephone

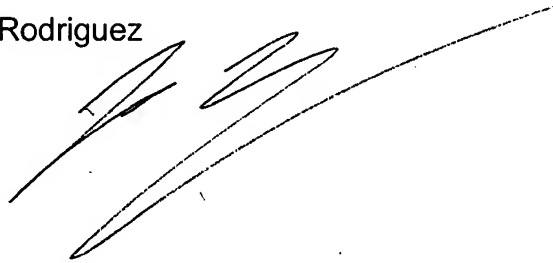
Art Unit: 3653

number is **571-272-6584**. Further, the supervisor's contact information is Donald Walsh, 571-272-6944.

Signed by Examiner Joseph Rodriguez

jcr

May 27, 2005

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a cursive representation of the name Joseph Rodriguez.